

**MILES TOLBERT, 4-13-09**

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1 IN THE UNITED STATES DISTRICT COURT FOR THE  
2 NORTHERN DISTRICT OF OKLAHOMA  
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4

5 W. A. DREW EDMONDSON, in his )  
6 capacity as ATTORNEY GENERAL )  
7 OF THE STATE OF OKLAHOMA and )  
8 OKLAHOMA SECRETARY OF THE )  
9 ENVIRONMENT C. MILES TOLBERT,) )  
10 in his capacity as the )  
11 TRUSTEE FOR NATURAL RESOURCES) )  
12 FOR THE STATE OF OKLAHOMA, )

13 Plaintiff, )  
14 )

15 vs. )

16 4:05-CV-00329-TCK-SAJ  
17 )

18 TYSON FOODS, INC., et al, )  
19 )

20 Defendants. )  
21  
22 - - - - -  
23  
24  
25

26 THE VIDEOTAPED DEPOSITION OF  
27 MILES TOLBERT, produced as a witness on behalf of  
28 the Defendants in the above styled and numbered  
29 cause, taken on the 13th day of April, 2009, in the  
30 City of Oklahoma City, County of Oklahoma, State of  
31 Oklahoma, before me, Lisa A. Steinmeyer, a Certified  
32 Shorthand Reporter, duly certified under and by  
33 virtue of the laws of the State of Oklahoma.

**TULSA FREELANCE REPORTERS**  
**918-587-2878**

**EXHIBIT**

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1 for farmers who land apply poultry litter. Is that  
2 what it boils down to?

3 MR. BULLOCK: Object to form.

4 A There's one system for municipal discharges  
5 and there's another system for poultry. 03:59PM

6 Q Okay, and the system for municipal dischargers  
7 allows direct discharge of pollutants into the  
8 waters of the State of Oklahoma; correct?

9 A Yes.

10 Q And the other allows a poultry farmer to apply 03:59PM  
11 poultry litter, which contains phosphorus and other  
12 constituents, to lands within the Illinois River  
13 watershed?

14 A I don't know that either -- I don't -- again,  
15 I think there's no permit that's issued in the 04:00PM  
16 poultry context. So I don't know that you could say  
17 it is somehow expressly allowed.

18 Q Okay. So are you saying the State of Oklahoma  
19 does not allow farmers to apply poultry litter to  
20 the lands within the Illinois River watershed? 04:00PM

21 A No.

22 MR. BULLOCK: Object to form.

23 Q Are you familiar with anyone who has worked  
24 for or currently works for Peterson Farms?

25 A For Peterson Farms? I don't think so. 04:00PM

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